

Hamilton County Plan Commission

March 09, 2004

Mr. Habig called the official meeting of the Hamilton County Plan Commission to order at 7:31 p.m.

Members Present: Jim Galloway, Frank Habig, Ron Hall, Steve Holt, David Musselman, Bill Rice, Kent Ward, and Linda Williams. Absent: Steve Schwartz. Also present: Charles Kiphart, Director; Randy Leerkamp, Legal Counsel; and Linda Burdett, Secretary.

Declaration of Quorum: Mr. Habig declared a quorum with eight out of nine members present.

Guests: See sign-in sheet.

Communications/Reports: Mr. Kiphart stated he would do that later in the meeting.

Approval of minutes: Mr. Habig asked if everyone had received a copy of last meeting's minutes. Any corrections?

Mr. Hall moved to approve as mailed.

Mr. Rice seconded.

With no comments or corrections... Mr. Habig called for the vote. 7 yes votes... 0 no votes... 1 abstention. Mr. Holt was not at the meeting.

Public Comment: Mr. Habig asked if anyone wished to make a public comment. And with no one stepping forward to address the Board...Mr. Habig continued the meeting.

Correspondence: Mr. Kiphart stated he would do that later.

President's Report: Mr. Habig stated that little more than a month ago Cicero needed some help from some of the staff. Mr. Kiphart would you explain that.

Mr. Kiphart stated that he had talked to Mr. Habig about four to six weeks ago. Cicero had requested that one of our staff come up to their office during the week. I have been going up and was able to keep pretty busy from 10:00 a.m. to 3:00 p.m. The Cicero Town Council members would like to have Doug Fleming, one of our building inspectors, come up there on Tuesdays and Thursdays from 10:00 a.m. to 3:00 p.m. During that time he would be doing the inspections in the Cicero area and people could pick up permit applications or talk about their projects. It is basically in our contract with Cicero that we would provide staff services for their planning and zoning. I would like to get the Plan Commission's concurrence that you don't have any objections to that. Mr. Fleming would go over the permits with the contractor or homeowner and then bring the paperwork back to our office to process and tell them when they can come to our office to pick it

up. The council thought that would work as long as it didn't interfere with our regular work schedule. Mr. Fleming can take permits up there to work on them but he would have to bring them back down here to process them.

There was a concurrence of the Board that having a physical presence there would make everyone happy.

New Business: None to present.

Old Business: Mr. Habig identified the ordinance amendment for the P.U.D.

Mr. Kiphart introduced Mr. Gene Valanzano of Baker & Daniels. Mr. Valanzano put the amendment for the P.U.D. together for us. Coming into compliance with state statute is what started the whole thing. Tonight is the official public hearing on this.

Gene Valanzano stated his name for the record. The reason we put these changes together was to bring the existing two sections of your ordinance into compliance with state code. One was the Development Plan under Article 11 and the other was the P.U.D. under Article 12. There was a series of changes we needed to make in other places where the tentacles ran out from those two sections that cross-referenced in other places in the ordinance. There was also a minor change we made to Article 16.

In terms of Article 11 on the Development Plans... there are four types of development plans that are being set-up which are very similar to what you have now. There is a provision for cluster subdivisions in the A-2S District, the A-3, the R-1, and the R-2 Districts. There is a conceptual design review and approval by staff. It still has to go through the full primary plat process and secondary plat process that goes through the public hearings before the plan commission. All R-3 and R-4 subdivisions are required to go through the development plan review process just as they did under the old plan. It is basically the same standard of review being incorporated in this one. Then we set-up two areas for office, commercial, and manufacturing development along U.S. 31 and State Road 37 where we set specific standards for landscaping, use of yards, lighting, signs, building orientation, and materials. There is a slightly higher standard of development which is similar to what the other municipalities are doing in Hamilton County along those same corridors. Finally for office, commercial, and manufacturing developments that abut residential developments. We have provisions in there to deal with outdoor operations, the use of yards, and the lighting of those sites. The initial review authority in all the development plans is all in front of the plan director. The plan director does have the authority to defer or refer any of those approvals to the plan commission if he finds there is a matter of substance there that he doesn't feel comfortable making a decision on. Also any decisions your plan director makes in favor of or against can be appealed to the plan commission on the final determination of a development plan.

In Article 12... as a Planned Unit Development... the P.U.D. allows for a petitioner to come in and

specifically identify the mixture of land uses that they desire to have as a part of the project. It also allows the developer to specify the development standards that will be applicable to that type of development. We do have some safety nets put in there in case a developer omits a particular development standard. We would go to the zoning district that that use was first allowed in and apply those standards. For most of them there is a 20 acre minimum size in order to use the P.U.D. We do have an exception there if it is an in-fill development then the project can be as small as 5 acres. The process for the PUD approval is a concept plan approval which is coming in and saying here's my idea, does this fit with what the county is looking for with a PUD. Mr. Kiphart would give whatever feedback is appropriate and then the petitioner goes back and files a zone map change that would come before you. As a part of the zone map change there would have to be a preliminary plan with it. You would make your review and recommendation to the county commissioners for that zone map change and the preliminary plan. The commissioners would make their decision on that. Then the secondary approvals would be reviewed by the plan director and then referred or appealed to the plan commission.

We also recommended a change in Article 16. We added an additional paragraph to the existing section of the ordinance where it talks about the powers of the plan commission. The power is authorized by state statute where you can require or request commitments in connection with a petition for a zone map change.

Then we had a series of miscellaneous amendments which are minor clean-up where the existing ordinance had a AP@ after several districts which referred to the planned developments sections and since we completely re-wrote that we needed to get rid of all those little cross-references. The rest of the miscellaneous changes are just to tie everything together with the new language that we put together either in the development plan section or in the PUD section.

Mr. Kiphart advised the Board that the plan commission office did do three public notices. Two in the Ledger and one in the Noblesville Times.

Mr. Hall stated that he feels like we have a much better process in place. And I think this will work a whole lot easier.

Mr. Kiphart stated that a lot of the people we have dealt with in the past have come in with amendments and small changes... and now as long as they follow the criteria it's an administrative process so they don't have to come back to the plan commission or go to the county commissioners. The signage at Deer Creek is probably the best example.

Mr. Hall stated that he felt that this was a win - win situation because it's better for us to administer and it's easier for the developers to work with. And we still have community protections in there.

After minimal comments... Mr. Habig opened the hearing to the public at 8:00 p.m. and with no one from the public stepping forward to address the Board... Mr. Habig closed the public portion of the

hearing at 8:01 p.m.

Mr. Rice made a motion to pass along a positive recommendation to the County Commissioners to approve the P.U.D. Ordinance Amendment including all referenced sections of the Ordinance as presented tonight.

Mr. Hall seconded.

With no other comments or concerns... Mr. Habig called for the vote. 8 yes votes... 0 no votes.

Director=s Report: Mr. Kiphart stated that he had been in contact with Conservation Design and they would like to come down for their first meeting on either March 31st or April 01st. The consultants would explain to the people the process that we are planning to go through and how they will be able to have input. The meeting will be in the evening. I need to know from the Plan Commission what day, what time, and where you would like the meeting to take place.

After some discussion the meeting was set for Wednesday, March 31, 2004 at 7:30 p.m. to be held in the Exhibition Center on the 4-H Grounds.

A consensus of the Board granted permission to pay the first bill received from Conservation Design.

Legal Counsel Report: Nothing to present.

The next Plan Commission meeting with be held Tuesday, April 13.

With all items on the agenda being completed... Mr. Habig adjourned the meeting at 8:17 p.m.

Frank Habig III, President

Date

Linda Burdett, Secretary

Date

